

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 225D.2 and 225C.6, the Department of Human Services hereby amends Chapter 22, “Autism Support Program,” and Chapter 24, “Accreditation of Providers of Services to Persons with Mental Illness, Intellectual Disabilities, or Developmental Disabilities,” Iowa Administrative Code.

These amendments bring the definition of “eligible individual” into alignment with legislative changes made to Iowa Code chapter 225D in 2016. The Department discovered that this change of definition had been inadvertently left out of previously adopted amendments to Chapter 22.

These amendments add new staff qualification options for crisis service providers. This change will increase the ability of providers to hire staff to provide some crisis response services. Providers are challenged to provide staffing for crisis response services. Providers, advocates, and the Mental Health and Disability Services (MHDS) Commission requested the Department review the staff qualifications to provide crisis response services. Stakeholders felt that there was a level of staff that may be well-qualified to provide some of the crisis response services but did not meet the qualifications in accordance with administrative rules.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2971C** on March 15, 2017.

The Department received comments from four respondents during the public comment period. The respondent’s comments and the Department’s responses are as follows:

Comment 1: One respondent suggested reducing the minimum requirement for experience of a candidate with a bachelor's degree in a non-human services field from two years to one.

Department Response 1: Crisis response staff need the ability to manage and support an individual in a mental health crisis. Crisis response staff also need to understand how individuals in crisis may react and respond to their situation. The Department feels a combination of education and experience is important for staff to be prepared. The Department made no changes to these amendments based on the comment from the respondent.

Comment 2: One respondent suggested removing the minimum requirement for experience of a candidate with a bachelor's degree in a human services field.

Department Response 2: Crisis response staff need the ability to manage and support an individual in a mental health crisis. Crisis response staff also need to understand how individuals in crisis may react and respond to their situation. The Department feels a combination of education and experience is important for crisis response staff to be prepared. The Department made no changes to these amendments based on the comment from the respondent.

Comment 3: One respondent suggested allowing staff to include experience serving individuals with mental or behavioral health needs, including individuals with Autism Spectrum Disorder.

Department Response 3: When serving an individual experiencing a mental health crisis, experience in behavioral or mental health is essential to support the

individual. The Department made no changes to these amendments based on the comment from the respondent.

Comment 4: Two respondents suggested removing the maximum capacity provision to allow residential providers with a capacity larger than sixteen beds to be accredited.

Department Response 4: This amendment to IAC 24.23 and 24.24 only addresses standards for crisis response staff, and does not speak to the capacity of crisis residential service providers. The Department made no changes to these amendments based on the comments from the respondents.

These amendments are identical to those published as Notice of Intended Action in the Iowa Administrative Bulletin.

The Mental Health and Disability Services Commission adopted these amendments on April 20, 2017.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 225D.2 and 225C.6.

These amendments will become effective July 1, 2017.

The following amendments are adopted.

ITEM 1. Amend rule **441—22.1(225D)**, definition of “Eligible individual,” as follows:

“Eligible individual” means a child less than ~~nine~~ 14 years of age who has been diagnosed with autism based on a diagnostic assessment of autism, is not otherwise eligible for coverage for applied behavioral analysis treatment under the medical assistance program, Iowa Code section 514C.28, or private insurance coverage, and whose household income does not exceed ~~400~~ 500 percent of the federal poverty level.

ITEM 2. Rescind rule 441—24.23(225C) and adopt the following **new** rule in lieu thereof:

441—24.23(225C) Standards for organizational activities.

24.23(1) The organization shall meet the standards in subrules 24.3(1) through 24.3(5).

24.23(2) The organization shall describe the staffing structure that details how staff are utilized to provide the specific crisis stabilization services in rules 441—24.32(225C) through 441—24.39(225C).

ITEM 3. Amend rule 441—24.24(225C) as follows:

441—24.24(225C) Standards for crisis response staff. All crisis response staff shall meet the qualifications described in this rule. Additional staff requirements are described in each service.

24.24(1) No change.

24.24(2) *Performance indicators.*

a. One or more of the following qualifications are met:

(1) No change.

(2) A bachelor’s degree with 30 semester hours or equivalent in a human services field (including, but not limited to, psychology, social work, ~~mental health counseling,~~

~~marriage and family therapy~~, nursing, education) and ~~at least~~ a minimum of one year of experience in behavioral or mental health services.

(3) A law enforcement officer ~~trained in crisis intervention including, but not limited to, mental health first aid and mental health in-service training~~ with a minimum of two years of experience in the law enforcement officer's field.

(4) An emergency medical technician (EMT) ~~trained in crisis intervention including, but not limited to, mental health first aid~~ with a minimum of two years of experience in the EMT's field.

(5) A peer support specialist with a minimum ~~certification of mental health first aid~~ of one year of experience in behavioral or mental health services.

(6) A family support peer specialist with a minimum ~~certification of mental health first aid~~ of one year of experience in behavioral or mental health services.

(7) A registered nurse with ~~two years~~ a minimum of one year of ~~mental or~~ experience in behavioral or mental health ~~experience~~ services.

(8) A bachelor's degree in a non-human services-related field, associate's degree, or high school diploma (or equivalency) with a minimum of two years of experience in behavioral or mental health services, and 30 hours of crisis and mental health in-service training (in addition to the required 30 hours of department-approved training).

b. No change.